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OFFICE OF PETITIONS

In re Application of
Michael Sutton
Application No. 09/050,796
Filed: March 30, 1998
Attorney Docket No. 16529-2-2US
Title: VIDEO AND FLASHLIGHT
CAMERA

DECISION GRANTING
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed on August 12, 2003, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed June 7, 2002, which set a shortened statutory period for reply of three (3) months. On December 9, 2002, an amendment was received, along with a Notice of Appeal and a three-month extension of time. On December 19, 2002, an advisory action was mailed to the applicant, indicating that the amendment would not be entered. No further extensions of time were requested, no further amendments were received, and the appeal brief was not received. Accordingly, the above-identified application became abandoned on February 10, 2003.

With the instant petition, petitioner has filed the petition fee, a Request for Continued

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Examination (RCE) under 37 C.F.R. §1.114, as well as the associated fee, and has made the proper statement of unintentional delay. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). The amendment, previously filed on December 9, 2002, shall serve as the required submission.

As such, the petition is **GRANTED**.

After this decision is mailed, the application will be forwarded to Technology Center 2600 for consideration of the submission under 37 C.F.R. §1.114, the previously filed amendment.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.



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